

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SIEVERT Examiner: Wood  
Serial No.: 09/422,018 Group Art Unit: 2193  
Filed: October 21, 1999 Docket No.: RA-5236  
(USYS.007PA)  
Title: A METHOD FOR IMPLEMENTING COMPONENT OBJECT MODEL  
INTERFACES

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Petitions, P.O. Box 1450, Alexandria, VA 22313-1450, on August 30, 2005.

By: Kathleen McDevitt  
Kathleen McDevitt

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
37 C.F.R. § 1.137(b)**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This petition is being submitted along with separately and timely filed Notice of Appeal.

This petition seeks revival of the above-identified patent application Serial No. 09/422,018.

As evidenced below (and through the attached true copies of each item) with details in chronological order, the abandonment was unintentional.

A Final Office Action was issued on April 7, 2004 in which all claims were finally rejected. A Response after final rejection was filed within the two-month response period by U.S. mail on June 1, 2004 (see Exhibit A), and the PTO sent a return postcard stamped June 7, 2004 (see Exhibit B). The Response was timely filed and thought to place the application in condition for allowance.

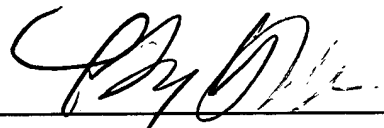
No Advisory Action was received until an Advisory Action and a Notice of Abandonment were issued on July 14, 2005. The Advisory Action indicated that the Request for Reconsideration did not place the application in condition for allowance.

Since Applicant timely filed a response, which was thought to place the application in condition for allowance, and the Patent Office did not communicate otherwise, any resulting abandonment was unintentional. Since the period for response expired 6 months after the date of final rejection and the application was not allowed, the status of the application is abandoned. Applicant therefore petitions and requests that the application be revived for unintentional abandonment and requests entry of the accompanying Notice of Appeal.

Please charge Deposit Account No. 50-0996 (USYS.007PA) for the petition fee under 37 CFR § 1.17(m). Please also charge Deposit Account No. 50-0996 (USYS.007PA) if it is determined that any additional fees are needed to revive the application. Any excess fees may be credited to Deposit Account No. 50-0996.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
Saint Paul, MN 55120  
(651) 686-6633

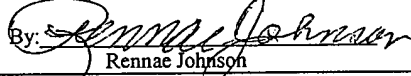
By:   
Name: LeRoy D. Maunu  
Reg. No.: 35,274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sievert et al  
Serial No.: 09/422,018  
Filed: October 21, 1999  
Title: A METHOD FOR IMPLEMENTING COMPONENT OBJECT MODEL INTERFACES

Examiner: Wood  
Group Art Unit: 2124  
Docket No.: RA-5236  
(USYS.007PA)

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 1, 2004.

By:   
Rennae Johnson

TRANSMITTAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are submitting herewith the following:

- ☒ Response After Final Rejection, pages 1-7.
- ☒ Transmittal Sheet
- ☒ Postcard

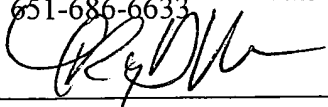
Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account No. 50-0996 (USYS.007PA).

Respectfully submitted,

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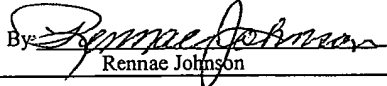
Date: June 1, 2004

By:   
LeRoy D. Maunu  
Reg. No. 35,274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SIEVERT ET AL. Examiner: Wood  
Serial No.: 09/422,018 Group Art Unit: 2124  
Filed: October 21, 1999 Docket No.: RA-5236  
(USYS.007PA)  
Title: A METHOD FOR IMPLEMENTING COMPONENT OBJECT MODEL  
INTERFACES

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 1, 2004.

By:   
Rennae Johnson

**RESPONSE AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated April 7, 2004, please consider the remarks that follow. No amendments are made to the claims. However, the claims are replicated below for ease of reference. Reconsideration and allowance of the application are respectfully requested.

In the claims:

1. (original) A computer-implemented method for implementing a hierarchy of component object model interfaces, comprising:

defining a hierarchy of component object model interfaces, wherein an interface at a lowest level of the hierarchy inherits from an interface at the highest level of the hierarchy;

defining a first template class that is associated with the highest level of the hierarchy;

defining a second template class that inherits from the first template class and is associated with the lowest level of the hierarchy; and

instantiating the second template class with an interface as a template parameter.

2. (original) The method of claim 1, wherein the second template class inherits directly from the first template class.

3. (original) The method of claim 1, wherein the second template class inherits indirectly from the first template class.

4. (original) The method of claim 1, further comprising defining a plurality of intermediate classes in a single inheritance arrangement, one of the intermediate classes inheriting from the first template class, and the second template class inheriting from another one of the intermediate classes.

5. (original) The method of claim 4, wherein one or more of the intermediate classes are template classes.

6. (original) The method of claim 1, further comprising defining an intermediate class, the intermediate class inheriting from the first template class, and the second template class inheriting from the intermediate class.

7. (original) The method of claim 6, wherein the intermediate class is a template class.

8. (original) The method of claim 1, wherein the interface provided as the template parameter is an interface at the lowest level of the hierarchy.

9. (original) The method of claim 1, further comprising:

extending the hierarchy of component object model interfaces to include a new interface defined at the lowest level of the hierarchy, wherein the new interface inherits from the interface at the highest level of the hierarchy;

defining a third template class that inherits from the first template class and is associated with the new interface defined at the lowest level of the hierarchy; and

instantiating the third template class with the new interface as a template parameter.

10. (original) The method of claim 1, further comprising defining ActiveX Template Library interface maps in the first template class and in the second template class, respectively.

11. (original) The method of claim 10, further comprising defining a plurality of intermediate classes in a single inheritance arrangement, one of the intermediate classes inheriting from the first template class, and the second template class inheriting from another one of the intermediate classes.

12. (original) The method of claim 11, wherein one or more of the intermediate classes are template classes.

13. (original) The method of claim 12, further comprising defining ActiveX Template Library interface maps in the respective intermediate template classes.

14. (original) The method of claim 13, wherein the interface provided as the template parameter is an interface at the lowest level of the hierarchy.

15. (original) The method of claim 14, further comprising:

extending the hierarchy of component object model interfaces to include a new interface defined at the lowest level of the hierarchy, wherein the new interface inherits from the interface at the highest level of the hierarchy;

defining a third template class that inherits from the first template class and is associated with the new interface defined at the lowest level of the hierarchy; and

instantiating the third template class with the new interface as a template parameter.

16. (original) A computer-implemented method for implementing a hierarchy of component object model interfaces, comprising:

defining a hierarchy of component object model interfaces, wherein an interface at a lowest level of the hierarchy inherits from an interface at the highest level of the hierarchy;

defining a first template class that is associated with the highest level of the hierarchy;

defining a second class that inherits from the first template class and is associated with the lowest level of the hierarchy; and

providing an interface of the lowest level of the hierarchy as a template parameter to a template class directly inherited by the second class.

17. (previously presented) A computer-implemented method for implementing a hierarchy of component object model interfaces, comprising:

defining a hierarchy of component object model interfaces, wherein an interface at a lowest level of the hierarchy inherits from an interface at the highest level of the hierarchy;

defining a first template class that is associated with the highest level of the hierarchy;

defining a second template class that inherits from the first template class and is associated with the lowest level of the hierarchy; and

instantiating the second template class with a selected one of the component object model interfaces as a template parameter.

## REMARKS

Claims 1-17 remain for consideration. The rejections of the claims are traversed in the arguments below.

The arguments presented in the Response dated January 19, 2004 are maintained in this response and incorporated by reference.

The asserted Gibbons-Shepard combination was further reviewed in view of the "Response to Arguments" made in the recent Office Action. The Office Action does not show that the Gibbons-Shepard combination teaches or suggests all the limitations of the claims.

In essence, the Gibbons-Shepard combination does not show or suggest a hierarchy of component object model interfaces and a nearly corresponding hierarchy of template classes. It is recognized that the "nearly corresponding hierarchy" language is not found in the claims. However, the associations of the first and second template classes with the component object model interfaces and the specified inheritance of the second template class from the first template class realize a nearly corresponding hierarchy. Specifically, in claim 1 there is a hierarchy of component object model interfaces, with the interface at a lowest level of the hierarchy inheriting from an interface at the highest level of the hierarchy. In addition, there are first and second template classes, the second inheriting from the first, and the first template class associated with the highest level interface in the hierarchy, and the second template class associated with the lowest level in the hierarchy. Further still, the limitations specify that the second template class, being associated with the lowest level in the interface hierarchy, is instantiated with an interface as a template parameter.

The Gibbons-Shepard combination does not suggest all of these limitations. First, the Gibbons-Shepard does not suggest the corresponding hierarchies of component object model interfaces and template classes. Second, the Gibbons-Shepard combination does not suggest the instantiation of the second template class (associated with the lowest hierarchy level) with an interface as a template parameter.

Gibbons generally teaches "interface inheritance", and Shepard generally teaches "template inheritance." However, these general teachings do not suggest all the specific limitations of the COM interface hierarchy and the corresponding (first and second) template



classes. The reasoning in the recent Office Action is apparently based on a single example from Shepard involving an interface being provided as a template parameter and Gibbons' general teaching of interface inheritance. These selected portions, however, do not suggest that first and second template classes are respectively associated with highest and lowest levels in the interface hierarchy. Specifically, the cited CApartmentOb is alleged to be a template class by virtue of the template parameters that follow. However, there is no suggestion that this template class is associated with the lowest level in an interface hierarchy. The general suggestion by Gibbons of an interface hierarchy does not imply that the alleged template from Shepard is associated with the lowest level in the interface hierarchy.

The limitations of claims 2-17 are not shown to be suggested as explained in the previous response.

The alleged motivation for combining the teachings of Gibbons and Shepard is insufficient to support a *prima facie* case of obviousness. The alleged motivation is to "allow for extending software flexibility and extensibility." This alleged motivation is conclusory and therefore improper. For example, the Office Action does not provide any evidence that either of Gibbons or Shepard lacks flexibility and extensibility. Nor does the Office Action identify those specific elements of the Gibbons system that could be modified with specific teachings from Shepard. Furthermore, the Office Action uses the general terms "flexibility and extensibility" without providing any definition of what these terms mean or how any purported combination would better achieve these objectives beyond what the single references achieve. Therefore, the alleged motivation is improper.

The Office Action fails to recognize the requirements to establish inherency. That is, the Office Action must show that the missing limitations are necessarily present in the reference. Inherency may not be established by showing that the limitations are possible in the cited reference. In regards to claim 2, it is respectfully submitted that the Office Action has only explained that direct inheritance is possible. The Office Action admits that the issue of direct inheritance is a function of how deep the classes are within a hierarchy. Thus, by implication the Office Action admits that inheritance other than direct is possible, and therefore, direct inheritance is not necessary. The other inherency-based rejections fail for similar reasons.

Withdrawal of the rejection and reconsideration of the claims are respectfully requested.  
If the examiner has any questions or concerns, a telephone call to the undersigned is welcome.

No extension of time is believed to be necessary for consideration of this response.  
However, if an extension of time is required, please consider this a petition for a sufficient  
number of months for consideration of this response. If there are any additional fees in  
connection with this response, please charge Deposit Account No. 50-0996 (USYS.007PA).

Respectfully submitted,

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(651) 686-6633

By: 

Name: LeRoy D. Maunu

Reg. No.: 35,274

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: SIEVERT ET AL.

SERIAL NO.: 09/422,018

For: A METHOD FOR IMPLEMENTING COMPONENT OBJECT MODEL  
INTERFACES

Docket No.: RA 5236 (USYS.007PA)

Date of Deposit: June 1, 2004

☒ Transmittal sheet containing Certificate under 37 CFR 1.8.

☒ Response After Final Rejection pages 1-7.

Please charge Deposit Account No. 50-0996 (USYS.007PA) any necessary fees.

Patent



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